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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/940,762 | 08/27/2001 | Mark E. Pecan | CS99025RL | 5766 |

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EXAMINER

NGUYEN, THUAN T

ART UNIT PAPER NUMBER

2685

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,762

Applicant(s)

PECEN ET AL.

Examiner

THUAN T. NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Appeal Brief

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al. (U.S. Patent No. 5,878,337) in view of Corrigan et al. (US Patent 6,640,097 B2).

Regarding claim 1, Joao discloses a real-time and interactive wireless communication system that a user at the terminal point, or at the communication application of a mobile wireless communication device, for example, whether a cellular phone or a personal computer or a pager (Figs. 1, 3, 7, 9, 10 & 11) can request for transactions (purchases, banking, call connection and etc.) and selects the applications based on the costs provided by the vendors/sellers at point-of-sale terminal (Fig. 1) or at a transaction terminal 302 (Fig. 10).

Applicant argue that Joao does not show the step of “request ...for a cost to conduct the transaction....” yet admitted that Joao shows the request from POS terminal 2 for the transaction amount (page 4); in addition, Corrigan teaches in a WAP service for wireless handset or device, the user of the wireless device have self provisioning of services (col. 4/lines 49-62 & col. 5/lines 20-30) and provides the mobile user the billing cost or charge per service request per transaction (refer to col. 7/line 44-57). Therefore, it would have been obvious to modify Joao’s system with Corrigan’s detailed technique on how to request the cost to conduct a communication transaction as taught by Corrigan in order to obtain an enhanced system for providing the cost of the transaction per the user’s request within the communication application of the device as preferred.

For claims 2-7, Joao further discloses the step of requesting, selecting, rejecting or accepting the (offer) cost of transactions before hand and the cost of components, an amount of information of the transaction, and subscription information associated with the application (col. 18/lines 45-56 for the cost of transaction and the cost of components or broken down components as in claim 3 for the amount of transaction further includes supplement information such as the costs of goods and services as well as the time and location for each transaction including components and limits for each transaction with user’s information, see col. 16/lines 13-35), and then receiving the costs and the user charges his/her credits based on at least partly on the credit to the user of the communication application including a cost offer based partly on the credit to a user of the communication application for conducting the transaction with restrictions and limitations (col. 16/lines 13-35), through a authorization process whether to authorize or unauthorized the transactions (Figs. 9 & 9 (cont.) for claim 6). The entire process is

Art Unit: 2685

conducted within a wireless communication network (see col. 3/line 60 to col. 4/line 56; col. 5/lines 3-39; col. 7/line 30 to col. 8/line 22 for transaction information including authorization, spending limits, types of transactions or a cost offer, types of goods and services or in other words, the quality of communications service, daily spending limits, and other limitations (as for claim 4-5); col. 8/line 60 to col. 9/line 53 for security issues; and col. 11/lines 25-59 for Internet accesses as well as transactions in real-time). Joao further includes a server computer to handle the transactions between vendors and users interactively (Fig. 10/item 350; and col. 35/lines 19-59 for claim 7).

As for claims 8-23, these claims with same limitations are rejected for the reasons given in the scope of claims 1-7 with the disclosure and teaching of Joao and Corrigan as disclosed above (see Joao reference for further details & embodiments not limited to any type of any communication systems (col. 4/lines 32-41) and to any type of receiving either stationary or wireless/mobile apparatus (col. 5/lines 3-19) as well as offer the reliability of the wireless transaction cost to the wireless communication device by providing security measures per claim 23 (col. 11/line 65 to col. 12/line 15).

Conclusion

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Art Unit: 2685

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tony T. Nguyen', with a stylized, flowing script.

**TONY T. NGUYEN
PATENT EXAMINER**

Tony T. Nguyen
Art Unit 2685
July 29, 2005